

Remarks

Reconsideration of the above-identified application in view of the present amendment and following remarks is respectfully requested. By this paper, Applicants have added new claim 62. No new matter has been added by virtue of the present amendment.

Claims 20-61 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-64 of U.S. Patent No. 6,595,918. Claims 20-61 were rejected under the judicially type double patenting as being unpatable over claims 1-100 of U.S. Patent No. 6,248,064. Without acquiescing in these rejections, and only for the purpose of expediting prosecution of the patent application, Applicants hereby enclose Terminal Disclaimers.

Applicants acknowledge the indication of allowability of claims 20-47. The double patenting rejection has been overcome, as such claims 20-47 are allowable.

Claims 48-54, 60 and 61 were rejected under 35 U.S.C. § 102(b) as being unpatentable in view of U.S. Patent No. 5,067,478 to Berlant (hereinafter *Berlant*). Applicants respectfully traverse this rejection. Claim 48 recites members coupled to at least one diagnostic device capable of sensing diagnostic signals from a second person. *Berlant* discloses gloves attached to a TENS unit. A TENS unit is a small portable battery operated device that emits monophasic direct current or by phasic pulses having a zero net direct current to strengthen muscles or prevent atrophy from disease. A TENS unit is not a diagnostic device. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 48-54, 60 and 61 in view *Berlant*.

Claims 40, 60 and 61 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,797,854 to Hedgecock et al., (hereinafter *Hedgecock*). Applicants respectfully traverse this rejection. Claim 48 recites a first member contoured to at least a portion of the first person's first hand and a second member contoured to at least a

portion of the first person's second hand. *Hedgecock* discloses two finger member on adjacent fingers on a hand of a person. They are not for separate hands. Furthermore, there is no indication that the finger devices are for diagnostic devices. They are instead for measuring pain threshold. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102 (e) rejection.


Claims 48-50, 51, 60 and 61 were rejected under 35 U.S.C. §102(b) as being unpatentable in view of U.S. Patent No. 4,016,868, to Allison, (hereinafter *Allison*). Applicants respectfully traverse this rejection. Claim 48 recites an interface unit for transmitting information to a remote location. *Allison* does not send any diagnostic information to a remote location. Page 6, lines 14-15, Applicants differentiate between local and remote. Sending information to an attached readout is not remote. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

Applicants submit that the application is in a condition for allowance and respectfully request a notice to that effect. If the Examiner believes that a telephone conference will advance the prosecution of this application, such a conference is invited at the convenience of the Examiner.

A check in the amount of \$600.00 is enclosed to cover the \$510.00 3-Month Petition for Extension of Time Fee, the \$25.00 additional claims filing fee and the \$65.00 Terminal Disclaimer Fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of the Amendment Transmittal paper is enclosed for that purpose.

Respectfully submitted,

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